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The Honorable Zahid N. Quraishi, U.S.D.J.
Clarkson S. Fisher Federal Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

The Court has considered the parties' letters (ECF Nos. 67 & 68) and JCCPS. Indefiniteness will NOT be addressed as part of Markman; the parties need not brief that issue at this time.

So Ordered this 6th day of May 2024.



ZAHID N. QURAISHI, U.S.D.J.

Re: *Arbutus Biopharma Corp. et al. v. Pfizer Inc., et al.*
Civil Action No. 3:23-01876-ZNQ-TJB

Dear Judge Quraishi:

We represent the Plaintiffs in the above matter along with our co-counsel for Arbutus Biopharma Corp., Morrison & Foerster LLP, and co-counsel for Genevant Sciences GmbH, Quinn Emanuel Urquhart & Sullivan, LLP. We write to seek Your Honor's guidance with regard to the upcoming opening *Markman* briefing.

The parties have a dispute as to whether indefiniteness should be addressed during *Markman* proceedings. Plaintiffs' position is that indefiniteness should be deferred for all claim terms. Defendants' position is that indefiniteness for the terms "fully encapsulated" and "consisting essentially of" should be addressed during *Markman*, while indefiniteness for the term "cationic lipid" should be deferred. The parties have set forth the bases for their respective positions, including supporting case law, in footnote 1 of their Joint Claim Construction and Prehearing Statement, which as the Court is aware, was filed on April 25, 2024. D.I. 66-1 at 2-3 n.1.

In order to prepare our opening *Markman* papers, which are currently due on June 17, we would very much appreciate Your Honor's guidance as to whether the Court expects the parties to address indefiniteness in their *Markman* papers.

We thank the Court for its consideration and assistance in this matter, and we look forward to obtaining Your Honor's guidance.

Respectfully submitted,



Arnold B. Calmann

cc: Counsel of Record (by CM/ECF and Electronic Mail)